

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RUE GILT GROUPE, INC.,

Plaintiff,

v.

ZURICH AMERICAN
INSURANCE COMPANY

Defendant.

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Case No. 1:22-cv-10520-DLC

April 13, 2022

**JOINT MOTION TO STAY PROCEEDINGS PENDING RULINGS IN
MASSACHUSETTS APPELLATE PROCEEDINGS INVOLVING
“COVID-19 BUSINESS INTERRUPTION” CLAIMS**

The parties respectfully move the Court for a stay of the proceedings in the above-captioned matter pending a decision from the Massachusetts Supreme Judicial Court in *Verveine Corp., et al., v. Strathmore Ins. Co., et. al.*, No. SJC-13172 (January 7, 2022), a COVID-19 pandemic-related business interruption lawsuit involving substantially similar claims under Massachusetts law. This decision is believed to be imminent and since such decision will impact the briefing, the parties respectfully suggest that a stay be implemented. Additionally, the Court of Appeals for the First Circuit has held numerous COVID-19 business interruption claims in abeyance pending resolution of *Verveine* by the Massachusetts Supreme Judicial Court, reasoning that its resolution may provide useful guidance that would bear on the resolution of this case.

At present, because a stay will not result in prejudice to any party and will preserve attorney and judicial resources the parties move to stay any briefing or motion practice until

these imminent decisions are issued. At that time, the parties will submit a proposed joint schedule to the court.

For all the above reasons, the parties hereby respectfully request that this Court stay the proceedings in this matter pending a decision from the Massachusetts Supreme Judicial Court.

Dated: April 13, 2022

Respectfully submitted,

Plaintiff,

By Its Attorneys,

/s/ Jeffrey W. Moss

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Respectfully submitted,

Defendant,

By Its Attorneys,

/s/ Michael Menapace

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2022, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing.

/s/ Michael Menapace

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